REMARKS

With entry of this amendment, claims 63-100 are pending, claims 63-77 of which are reinstatements of previously cancelled claims 1-15, and claims 78-100 of which are newly added. Previously pending claims 25-62 have been cancelled.

Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claims 63-77

In a previous office action, dated August 15, 2002, the Examiner rejected claims 1-15 (now reinstated claims 63-77) as being anticipated by U.S. Patent No. 5,751,820 to Taenzer ("Taenzer"). Although the claims of Taenzer should not be so limited, Taenzer fails to disclose at least one element required by these claims. In particular, the Examiner indicated in the office action, dated August 15, 2002, as well as the current office action, that "[a]ccording to Taenzer, the hearing aid's remote processor can communicate with a cellular communication system such that an incoming cellular call can automatically be connected via a wake-up control mode." Applicants do not disagree with this statement.

However, independent claim 63, as did claim 1, requires, in addition to other elements, "a switch for automatically selecting the first signal path or the second signal path in response to a detected occurrence of a predetermined condition of the second signal path." The hearing aid of Taenzer may conceivably have a switch for placing it in a wake-up mode, but such a switch would most likely be used to alternately connect and disconnect a power supply to and from the hearing aid circuitry, so that the hearing aid can be placed in a "wake-up" or "sleep" mode. There is no disclosure in Taenzer that the switch is capable of switching between the defined first and second signal paths, or between any signal paths for that matter. As stated in the background of the invention, such prior art devices typically require an additional switch that must be manually operated by the user in order to switch signal paths. (See specification, page 2, lines 9-19).

Thus, Applicants respectfully submit that independent claim 63, as well as the claims depending therefrom (claims 64-77) are not anticipated by Taenzer or any cited prior art, and, moreover, are not obvious in view of the cited prior art.

Claims 78-87

Independent claim 78 requires, in addition to other elements, "a switch for coupling the speaker to the processor when the switch is in a first position, and coupling the speaker to a remotely located communications device when the switch is in a second position," and "a signal detector for generating a control signal in response to a detected signal, wherein the switch alternates between the first and second positions in response to the control signal." In contrast, the Taenzer hearing aid might conceivably have a switch to alternately couple the speaker to the remotely located communications device or the processor, and might conceivably have a signal detector to detect signals, such as a cellular incoming call, but such a switch and signal detector are not disclosed as being operable with each other in a manner required by independent claim 78. That is, the switch would most likely be a manual switch that operates in response to physical movement by the user—not in response to a control signal generated by a signal detector, so that the speaker can automatically be coupled between the processor and the remotely located communication device and the processor.

Thus, Applicants respectfully submit that independent claim 78, as well as the claims depending therefrom (claims 79-87) are patentable over the cited prior art.

Claims 88-100

Independent claim 88 requires, in addition to other elements, "a switch for altering the hearing aid between a hearing aid state and a bi-directional communication state" and "a signal detector for generating a control signal in response to a detected signal, wherein the switch alternates between the hearing aid and bi-directional communication states in response to the control signal."

In contrast, the Taenzer hearing aid might conceivably have a switch to alternately place the hearing aid in a hearing aid state and a bi-directional communication state, and might conceivably have a signal detector to detect signals, such as a cellular incoming call, but such a switch and signal detector are not disclosed as being operable with each other in a manner required by independent claim 88. That is, the switch would most likely be a manual switch that operates in response to physical movement by the user—not in response to a control signal generated by a signal detector, so that the hearing device can be automatically switched between the hearing aid and bi-directional communication states.

Thus, Applicants respectfully submit that independent claim 88, as well as the claims depending therefrom (claims 88-100) are patentable over the cited prior art.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (415) 393-2404.

Respectfully submitted,

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